

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 17-CR-50

STEVEN G. O'CONNELL,
PETER J. MARK,
CHRISTY L. MCNAMEE,
GREDE, LLC, and GREDE II, LLC
(aka GREDE WISCONSIN SUBSIDIARIES, LLC)

Defendants.

GOVERNMENT'S LIST OF EXHIBITS

The United States of America, by and through its attorneys, Gregory J. Haanstad, United States Attorney, and Daniel R. Humble and Keith S. Alexander, Assistant United States Attorneys, and James J. Cha, Special Assistant United States Attorney, hereby states that it expects to introduce the following exhibits in its case-in-chief in the above captioned case:

| Presiding Judge HONORABLE WILLIAM C. GRIESBACH | | | Plaintiff's Attorneys DANIEL HUMBLE, KEITH ALEXANDER, AUSAs | | Defendants' Attorneys |
|--|-------------|-----------------|---|---------|--|
| Trial Date(s) June 5, 2017 | | | Court Reporter | | Courtroom Deputy |
| Plf. No. | Def. No. | Date Offered | Marked/ Admitted | Witness | DESCRIPTION OF EXHIBITS AND WITNESSES |
| 1 | | | | | Firebrick Engineers Co. Quote (October 2011) |
| 2 | | | | | GRP Mechanical, Inc., Quote (September 2011) |
| 3 | | | | | Wayde Schwarz Email (Oct. 14, 2011) |
| 4 | | | | | Table of Heat Treat Oven Project Costs |
| 5 | | | | | Notes – Heat Treat Oven Scope of Work |
| 6 | | | | | Photograph of Heat Treat Oven |
| 7 | | | | | Photograph of Super Sucker Vacuum |
| 8 | | | | | Photograph of Asbestos-Containing Material |
| 9 | | | | | Written Statements, Other Records, of David Stewart |
| 10 | | | | | Christy McNamee Email to Donald Alcorn, re: injuries (Dec. 28, 2011) |
| 11 | | | | | Mark Dugenske Email to Christy McNamee, re: Super Sucker and Heat Treat Oven (1/11/2012) |
| 12 | | | | | Christy McNamee Email to Mark Dugenske, re: policy to wear respirators (1/11/2012) |
| 13 | | | | | Christy McNamee Email to Mark Dugenske, re: testing of material on Heat Treat Oven (1/11/2012) |
| 14 | | | | | Peter Mark Email re: OSHA visit (1/19/2012) |
| 15 | | | | | Peter Mark Memorandum re: OSHA Visit to Berlin (January 19, 2012) |
| 16 | | | | | Peter Mark Email to Larry Foreman, re: “undetectable” results, instruction to post results (1/27/2012) |
| 17 | | | | | Posting Certification, January 28, 2012 |
| 18 | | | | | Peter Mark Email re: talk with union steward (2/19/2012) |

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| 19 | | | | | Heat Treat Oven Total Action Item List (1/23/2012) |
| 20 | | | | | PLM Analytical Report, American Air Environmental Services, Inc. (2/20/2012) |
| 21 | | | | | Peter Mark Email to Larry Foreman, re: Asbestos Testing at Berlin, Results (2/24/2012) |
| 22 | | | | | Larry Foreman Email to Peter Mark, re: Asbestos Testing at Berlin (2/24/2012) |
| 23 | | | | | Peter Mark Email to Larry Foreman, re: Asbestos Testing at Berlin (2/24/2012) |
| 24 | | | | | Peter Mark Email to Larry Foreman, re: Off the record comment on Berlin asbestos concerns (2/25/2012) |
| 25 | | | | | Anonymous Letter to Christy McNamee, re: asbestos |
| 26 | | | | | Anonymous Summary of Asbestos Issues at Grede Berlin Foundry |
| 27 | | | | | OSHA Inspection Reports (Jan. & Feb. 2012) |
| 28 | | | | | Asbestos Awareness Training modules, presentations sent to Peter Mark in February 2012 (Group Exhibit) |
| 29 | | | | | Jessica Fournier Email transmitting Asbestos Laboratory Analysis Report (2/27/2012) |
| 30 | | | | | Analytical Laboratory Report, Wisconsin Occupational Health Laboratory (Feb. 22, 2012) |
| 31 | | | | | Christy McNamee Email to Steve O'Connell, re: "Sorry we found asbestos" (2/24/2012) |
| 32 | | | | | Christy McNamee Email to Steve O'Connell, forwarding Email from Peter Mark re: Asbestos Testing at Berlin (2/24/2012) |
| 33 | | | | | Christy McNamee Email to Steve O'Connell, forwarding Jessica Fournier Email with Asbestos Testing Results (2/27/2012) |
| 34 | | | | | Analytical Laboratory Report, Wisconsin Occupational Health Laboratory (Feb. 22, 2012) |
| 35 | | | | | Peter Mark Email re: Asbestos Program for Grede- Berlin (2/27/2012) |
| 36 | | | | | Asbestos Survey & Assessment Report, Grede Reedsburg facility (April 20, 2000) |
| 37 | | | | | P. Mark Email re: Asbestos program for Grede-Berlin (2/28/2012) |
| 38 | | | | | Larry Foreman Email replying to P. Mark Email re: Asbestos program for Grede-Berlin (2/28/2012) |
| 39 | | | | | Asbestos Awareness Training document |
| 40 | | | | | C. McNamee Email re: Asbestos Awareness Training (2/28/2012) |
| | | | | | Asbestos Awareness Training document (attached to C. |

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| 41 | | | | | McNamee's Email dated 2/28/2012) |
| 42 | | | | | Don Alcorn Email re: completing training (2/28/2012) |
| 43 | | | | | Asbestos Awareness Training Records |
| 44 | | | | | Asbestos Awareness Training module for Grede New Castle facility |
| 45 | | | | | Janine Wright Email transmitting "Asbestos Remediation in Berlin, 2012" Power Point (2/28/2012) |
| 46 | | | | | "Asbestos Remediation in Berlin, 2012" Power Point |
| 47 | | | | | "Asbestos Remediation in Berlin" Power Point |
| 48 | | | | | "Asbestos Remediation in Berlin, 2012" Power Point |
| 49 | | | | | P. Mark Email re: Asbestos Training (2/28/2012) |
| 50 | | | | | Asbestos Awareness Training document attached to P. Mark's 2/28/2012 Email |
| 51 | | | | | John Rader Email re: Asbestos Meetings (3/05/2012) |
| 52 | | | | | Asbestos Meeting Schedule (attached to John Rader's 3/05/2012 Email re: Asbestos Meetings |
| 53 | | | | | P. Mark Email replying to John Rader Email re: "draft 3 of asbestos training" (2/28/2012) |
| 54 | | | | | P. Mark Email replying to John Rader Email re: "draft 4 of asbestos training" (2/28/2012) |
| 55 | | | | | P. Mark Email to Wayde Schwarz re: Eagle Environmental (3/07/2012) |
| 56 | | | | | Records of April 2012 Sample Analysis, American Air Environmental Services, Inc. |
| 57 | | | | | Email from P. Mark transmitting April 2012 PLM Analytical Report (by American Air Environmental Services) to Mike Mikelonis |
| 58 | | | | | PLM Analytical Report (by American Air Environmental Services) with April 2012 Asbestos Analysis Results |
| 59 | | | | | Record of Christy McNamee "Change of Address" – 320 Madison Ave., Omro, WI |
| 60 | | | | | Advanced Asbestos Removal Email to C. McNamee (5/17/2012) |
| 61 | | | | | QuanTEM Laboratories Polarized Light Microscopy Analysis Report (5/17/2012), attached to Email from Advanced Asbestos Removal to C. McNamee |
| 62 | | | | | Advanced Asbestos Removal Sampling Report (5/16/2012) |
| 63 | | | | | Advanced Asbestos Removal Quote (5/17/2012) |

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| 64 | | | | | Undated Draft Letter to OSHA and WDNR |
| 65 | | | | | "Grede Berlin Asbestos Contaminated Material (ACM) Summary" |
| 66 | | | | | "Original Full Summary from Peter Mark – Grede EHS Director" |
| 67 | | | | | C. McNamee Email to Bill Goodwin transmitting Hotline Report (5/16/2012) |
| 68 | | | | | Hotline Call Letter from C. McNamee |
| 69 | | | | | P. Mark Email to Phillip Gray re: "draft asbestos program for Grede-Berlin" (5/10/2012) |
| 70 | | | | | P. Mark Email to Phillip Gray re: "draft asbestos program for Grede-Berlin" (5/10/2012) "Attempt # 2" |
| 71 | | | | | Grede-Berlin Asbestos Program |
| 72 | | | | | Grede-Berlin Asbestos Awareness Training Program |
| 73 | | | | | P. Mark Email to C. McNamee transmitting Asbestos Medical Questions (6/11/2012) |
| 74 | | | | | Grede-Berlin Medical Questionnaire for Asbestos Exposure |
| 75 | | | | | Grede-Berlin Asbestos Awareness Training Program |
| 76 | | | | | P. Mark Email to C. McNamee transmitting Asbestos Medical Questions (6/11/2012) "Attempt # 2" |
| 77 | | | | | Grede-Berlin Medical Questionnaire for Asbestos Exposure |
| 78 | | | | | Grede-Berlin Asbestos Examination Policy |
| 79 | | | | | Email from Sharon Reyes, OSHA, to C. McNamee, re: Grede air sample (6/13/2012) |
| 80 | | | | | 2/17/12 Asbestos Results for Heat Treat Oven Area |
| 81 | | | | | Email (2 nd) from Sharon Reyes, OSHA, to C. McNamee, re: Grede air sample (6/13/2012) |
| 82 | | | | | Emails btwn. C. McNamee and P. Mark re: OSHA Citation (June 2012) |
| 83 | | | | | C. McNamee Email Transmitting Copy of OSHA Citation (6/18/2012) |
| 84 | | | | | OSHA Citation, Expedited Settlement Offer, Notice of Penalty (6/13/2012) |
| 85 | | | | | Christy McNamee Email transmitting draft letter to OSHA (6/26/2012), Letter and attachments |
| 86 | | | | | Christy McNamee Email transmitting "final" version of letter to OSHA (6/27/2012), Letter and attachments |
| | | | | | Email from P. Mark to C. McNamee re: changes to letter to |

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| 87 | | | | | OSHA (6/27/2012) |
| 88 | | | | | Letter to OSHA, revised by P. Mark (with attachments) |
| 89 | | | | | Email from C. McNamee to P. Mark, re: mailing letter to OSHA, posting letter (6/28/2012) |
| 90 | | | | | Email from P. Mark to Mike Mikelonis, et al, re: OSHA Citation (6/24/2012) |
| 91 | | | | | Email from Mike Mikelonis to P. Mark re: OSHA Citation (6/25/2012) |
| 92 | | | | | Email from P. Mark to C. McNamee, J. Wright, re: draft of letter to asbestos-exposed employees (6/15/2012) |
| 93 | | | | | Draft Letter re: Asbestos Exposure (attached to 6/15/2012 Email from P. Mark) |
| 94 | | | | | P. Mark Email to Mike Mikelonis, re: settlement of OSHA citation (6/26/2012) |
| 95 | | | | | C. McNamee Email to P. Mark, re: Abetment [<i>sic</i>] Letter for Asbestos (6/28/2012) |
| 96 | | | | | Letter to OSHA (dated June 26, 2012), with attachments |
| 97 | | | | | C. McNamee Email to P. Mark re: Respirator Awareness Training (9/26/2011) |
| 98 | | | | | Respirator Training Document |
| 99 | | | | | Respirator Usage Training Document |
| 100 | | | | | Grede Holding LLC, Information for Voluntary Respirator Use Documentation |
| 101 | | | | | C. McNamee Email re: Job Safety Analysis Procedure (1/23/2012) |
| 102 | | | | | C. McNamee Emails to P. Mark and S. O'Connell, re: Supervisor procedure for writing job safety procedures (1/19/2012) |
| 103 | | | | | Document entitled, "Supervisor procedure for writing job safety procedures" |
| 104 | | | | | Grede-Berlin Safety Manual, Respiratory Protection |
| 105 | | | | | C. McNamee Email to M. Bryan, re: Asbestos Abatement Forms (7/02/2012) |
| 106 | | | | | Certification of Corrective Action document |
| 107 | | | | | OSHA Expedited Informal Settlement Agreement (signed 7/03/2012) |
| 108 | | | | | Email from Peter Mark re: "wall to wall" asbestos review (6/26/2012) |
| 109 | | | | | Grede II, LLC, Purchase Orders for work on Heat Treat Oven |

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| 110 | | | | | Grede II, LLC, Purchase Orders for work on Heat Treat Oven |
| 111 | | | | | Grede Letter to David Stewart re: Asbestos Exposure |
| 112 | | | | | Professional Coating Technologies Invoices |
| 113 | | | | | Grede Letter to C. McNamee re: Termination of Employment (July 27, 2012) |
| 114 | | | | | Grede Hiring Letter to Mitchell Kidd (October 6, 2011) |
| 115 | | | | | P. Mark Notes of Interviews of Grede Employees re: work on Heat Treat Oven |
| 116 | | | | | Email and proposal from Fire Brick Engineers, Inc., to Grede (October 4, 2011) |
| 117 | | | | | Robinson Bros. Asbestos Removal Work Records |
| 118 | | | | | NEIC Laboratory Report (July 2015) |
| 119 | | | | | NEIC Memorandum Report (May 2016) |
| 120 | | | | | NEIC Laboratory Results and Photographs (February 2016) |
| 121 | | | | | OSHA Penalty Calculation Worksheets, OSHA |
| 122 | | | | | Letter signed by Allan "Brooks" Arruda (dated 1/12/2012) |
| 123 | | | | | NEIC Photograph of Locked Container with Samples (May 2015) |
| 124 | | | | | NEIC Photograph of Sample (May 2015) |
| 125 | | | | | NEIC Photograph of Locked Container with Sample (December 2015) |
| 126 | | | | | NEIC Photograph of Sample in Sealed Bag (December 2015) |
| 127 | | | | | NEIC Photograph of Sample (December 2015) |
| 128 | | | | | Photographs by NEIC, from EPA Search of Grede Foundry (December 2015) |
| 129 | | | | | Peter Mark Application for Employment |
| 130 | | | | | 2012 Grede Annual Management Encouragement (GAME) Plan Award to Peter Mark |
| 131 | | | | | Grede II, LLC, Corporate Record |
| 132 | | | | | Grede, LLC, Corporate Record |
| 133 | | | | | Grede II, LLC, Corporate Record |
| 134 | | | | | Grede, LLC, Corporate Record |
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| 135 | | | | | Corporate Record, Grede Wisconsin Subsidiaries |
| 136 | | | | | Excerpts from U.S. Dept. of Labor Deposition of Peter Mark, January 30, 2015 |
| 137 | | | | | Corporate Records, Grede, LLC, and Grede II, LLC, from Wisconsin Dept. of Financial Services (Group Exhibit) |
| 138 | | | | | Photographs of Grede Foundry, EPA-CID (April 2017) |
| 139 | | | | | Table of Results of PLM Analysis by NEIC (Demonstrative Exhibit) |
| 140 | | | | | Laboratory Records from American Air Environmental Services, April and May 2012 |
| 141 | | | | | Microscope Slide View of Asbestos Sample |
| 142 | | | | | WDNR Inspection Reports, Reports of Conversations (2012) |
| 143 | | | | | Records from Personnel Files of Peter Mark, from Grede |
| 144 | | | | | Physical Sample of Asbestos-Containing Material (rec'd. by U.S. EPA May 2015) |
| 145 | | | | | Physical Sample of Asbestos-Containing Material (rec'd. by U.S. EPA May 2015) |
| 146 | | | | | Physical Sample of Asbestos-Containing Material (rec'd. by U.S. EPA May 2015) |
| 147 | | | | | Physical Sample of Asbestos-Containing Material (rec'd. by U.S. EPA December 2015) |
| 148 | | | | | American Air Environmental Services, PLM Analytical Report (2/24/2012) |
| | | | | | |

The United States respectfully reserves the right to use additional records for impeachment purposes during cross-examination, in rebuttal, or for other acceptable purposes.

Respectfully submitted at Green Bay, Wisconsin, this 21st day of April, 2017.

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